

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ABBASID, INC.,

Plaintiff,

vs.

No. CIV 07-1006 WJ/LFG

THE TRAVELERS INDEMNITY  
COMPANY,

Defendant.

BINA SHAHANI,

Movant-Intervenor

**ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION  
AND DENYING MOTION TO INTERVENE**

THIS MATTER comes before the Court on the Motion to Intervene [Doc. 33], filed by Bina Shahani (“Shahani”) on April 14, 2008.

On April 16, 2008, the Court entered an Order [Doc. 40], staying proceedings in this case pending resolution of a domestic relations action in state court which involved the same claims Shahani wished to raise by intervening herein. The Court directed that briefing be continued and completed on the Motion to Intervene but noted that no ruling would issue on the Motion until completion of the state court case. Counsel was ordered to file an appropriate form of notice once the state court proceedings had terminated. This Court was recently notified that the state court proceedings are still pending.

As ordered, briefing proceeded on the Motion to Intervene. On April 28, 2008, Defendant The Travelers Indemnity Company (“Travelers”) filed a Response in Opposition to Intervention [Doc. 41], and on May 1, 2008, Plaintiff Abbasid, Inc. (“Abbasid”) filed its Response [Doc. 42] also opposing the Motion. On May 14, 2008, Shahani filed her Reply [Doc. 43].

On April 30, 2009, the Court entered an Order [Doc. 47] referring all pending and future

motions in this case to Chief United States Magistrate Judge Lorenzo F. Garcia for recommendation. On May 21, 2009, Judge Garcia entered an Order [Doc. 48] lifting the stay of proceedings and setting a FED. R. CIV. P. 16 status conference for June 11, 2009. Plaintiff Abbasid and Defendant Travelers were present at this conference through counsel, but the proposed Intervenor Shahani failed to appear.

On June 12, 2009, Judge Garcia filed his Recommendation [Doc. 50] that the Motion to Intervene be denied, on grounds that Shahani failed to appear and did not contact the Court to request an extension of time to secure substitute counsel following the death of her attorney, did not request that the Court vacate or reschedule the conference, and did not advise the Court of any impediment to her attendance at the conference nor any conflict that would prevent her from going forward with the case. Judge Garcia concluded that Shahani had abandoned her intent to intervene in the case and therefore recommended that the Motion to Intervene be denied.

Shahani was advised in the June 12 Order that she had until June 30, 2009 to file any objections she might have to the Recommendation. No objections were filed. The Court concludes that Shahani has abandoned the Motion.

IT IS THEREFORE ORDERED that the Motion to Intervene [Doc. 33] filed by Bina Shahani is DENIED.



UNITED STATES DISTRICT JUDGE